

REMARKS

Reconsideration of the rejections set forth in the Office Action dated July 27, 2009, is respectfully requested. In the Office Action, the Examiner rejected claims 54-74. Applicant herein has amended claims 54, 65, and 74. Accordingly, claims 54-74 remain pending in the application. No new matter has been added as can be confirmed by the Examiner.

A. Claims 54-74 Are Fully Supported By The Specification.

In the Office Action, the Examiner rejected claims 54-74 under 35 U.S.C. § 112, ¶ 1. According to the Examiner, "[t]here is no 'initialization of the hyperlink' features in the Applicant's Specification."

Although respectfully disagreeing with the Examiner, Applicant has amended independent claims 54, 65, and 74 to recite that the computer identification data is dynamically generated when the hyperlink is loaded onto a predetermined computer system. The Specification, as filed, fully supports the amendment to claims 54, 65, and 74. See, e.g., Specification at Para. [0015].

Accordingly, Applicant submits that the rejection of claims 54-74 under 35 U.S.C. § 112, ¶ 1, is moot and should be withdrawn.

B. Claims 54-74 Particularly Point Out And Distinctly Claim The Subject Matter Of The Present Application.

The Examiner also rejected claims 54-74 under 35 U.S.C. § 112, ¶ 2. According to the Examiner, claims 54-74 "have the data being the current id and the code being the id 'generated upon initialization of the hyperlink on the selectively chosen computer system.' If the code id is generated when the link is selected, rather than when the link was made or sent, then the claims do not make sense... As presently written, the code id and the data id are both made upon activation of the hyperlink or initialization of the hyperlink on the user computer which are interpreted to be the same event."

Applicant has amended independent claims 54, 65, and 74 to recite that the computer identification code uniquely identifies a predetermined computer system and is dynamically generated when the hyperlink is loaded onto the predetermined computer system; whereas, the

computer identification data includes current information for identifying a computer system that activates the hyperlink and is generated when the hyperlink subsequently is activated by the computer system. In other words, the hyperlink is intended for activation by the predetermined computer system, and the computer identification code is generated at a first time when the hyperlink is loaded onto the predetermined computer system. The computer identification data, in contrast, identifies the computer system that activates the hyperlink and is generated at a second, or subsequent, time when the hyperlink is activated by the computer system, which may or may not be the intended predetermined computer system.

Applicant therefore respectfully submits that claims 54-75, as amended, particularly point out and distinctly claim the subject matter of the present application and that the rejection of claims 54-74 under 35 U.S.C. § 112, ¶ 2, should be withdrawn.

C. Claims 54-74 Are Directed Toward Statutory Subject Matter.

The Examiner further rejected claims 54-64 and 74 under 35 U.S.C. § 101 as allegedly being directed toward non-statutory subject matter. As set forth in the Office Action, "[t]o correct this issue, the independent claim could be amended such that at least one significant feature (not just data gathering or outputting) of the body of the claims actively uses a technological apparatus (computer, server, processor, etc)."

Applicant appreciates the Examiner's suggestion for overcoming the claim rejection under 35 U.S.C. § 101. In accordance with the Examiner's suggestion, Applicant hereby has amended independent claims 54 and 74 each to further recite that "said receiving the request, said decrypting said encrypted confirmation code, said extracting the computer identification code, and said authenticating said request each are performed via a processor-based system."

Accordingly, Applicant submits that claims 54-64 and 74 are directed toward statutory subject matter and that the claim rejection under 35 U.S.C. § 101 is moot and should be withdrawn.

- D. The Cited Prior Art References Do Not Disclose Or Suggest Authenticating A Request For Data Content From A Computer System By Comparing A Computer Identification Code With Computer Identification Data, Wherein A Hyperlink Is Generated By A Self-Aware Device, Wherein The Computer Identification Code Uniquely Identifies A Predetermined Computer System And Is Dynamically Generated When The Hyperlink Is Loaded Onto The Predetermined Computer System, And Wherein The Computer Identification Data Includes Current Information For Identifying The Computer System And Is Generated When The Hyperlink Subsequently Is Activated By The Computer System, As Recited In Claims 54-74.

In the Office Action, the Examiner rejected claims 54-74 each under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Bezos et al. (hereinafter "Bezos"), United States Patent No. 6,029,141, further in view of Messer et al. (hereinafter "Messer"), United States Application Publication No. 2004/0230491, further in view of Dane et al. (hereinafter "Dane"), United States Application Publication No. 2004/0215623. Applicant respectfully submits, however, that at least one recited element of independent claims 54, 65, and 74, is totally missing from the cited prior art references, both individually and in combination. Accordingly, independent claims 54, 65, and 74, as well as claims 55-64 and 66-73 that depend therefrom, are in condition for allowance.

According to the Examiner, "Bezos discloses identifying the user computer and comparing the user computer identification to other computer identifying information to determine which computer this is and whether it is a known or new computer." The Examiner further asserts that "Bezos discloses authenticating a request for data content from a computer system by comparing the computer identification code with the computer identification data, wherein the computer identification code uniquely identifies the computer system and the computer identification data includes current information for identifying the computer system."

Independent claims 54, 65, and 74, in contrast, have been amended to recite authenticating a request by comparing a computer identification code with a computer identification data, wherein a hyperlink is generated by a self-aware device, wherein the computer identification code uniquely identifies a predetermined computer system and is dynamically generated when a hyperlink is loaded onto the predetermined computer system and wherein the computer identification data includes current information for identifying the computer system that activated the hyperlink and is generated when the hyperlink subsequently is activated by the computer system. Bezos, however,

does not teach or even suggest use of a self-aware device to generate a hyperlink in the manner set forth in amended independent claims 54, 65, and 74. Accordingly, Applicant respectfully submits that Bezos does not bear upon the patentability of claims 54-74.

Recognizing the deficiencies of Bezos, the Examiner attempts to supplement the teaching of Bezos by relying upon Messer. The Examiner asserts that Messer teaches a system by which an affiliate of a merchant allocates a banner advertisement block on a web page for presenting advertising material, such as a banner ad, for presentation via a user workstation.

In the manner set forth above, amended independent claims 54, 65, and 74 recite authenticating a request by comparing a computer identification code with a computer identification data, wherein a hyperlink is generated by a self-aware device, wherein the computer identification code uniquely identifies a predetermined computer system and is dynamically generated when a hyperlink is loaded onto the predetermined computer system and wherein the computer identification data includes current information for identifying the computer system that activated the hyperlink and is generated when the hyperlink subsequently is activated by the computer system. The Examiner however does not, and cannot, assert that Bezos in view of Messer teaches or even suggests use of a self-aware device to generate a hyperlink in the manner set forth in amended independent claims 54, 65, and 74. Applicant therefore submits that Bezos in view of Messer does not bear upon the patentability of claims 54-74.

Lastly, the Examiner, recognizing the deficiencies of Bezos in view of Messer, further relies of Dane to supplement the combined teaching of Bezos in view of Messer. Examiner points to Dane's disclosure that, if a URL is found to be fraudulent, then the system will record as much information as is available about the attempted fraudulent access to identify an individual or individuals who is attempting to improperly access the data. Examiner summarizes that "[t]he prior art does render obvious, 'authenticating a request for data content is performed by comparing the computer identification code and the computer identification data.' The computer identification code of claims 54, 65, and 74 is dynamically generated upon initialization of the hyperlink on the

selectively chosen computer system, whereas the computer identification data includes current information for identifying a computer system that activated the hyperlink."

As set forth above, amended independent claims 54, 65, and 74, however, recite authenticating a request by comparing a computer identification code with a computer identification data, wherein a hyperlink is generated by a self-aware device, wherein the computer identification code uniquely identifies a predetermined computer system and is dynamically generated when a hyperlink is loaded onto the predetermined computer system and wherein the computer identification data includes current information for identifying the computer system that activated the hyperlink and is generated when the hyperlink subsequently is activated by the computer system. The Examiner does not, and cannot, assert that Bezos in view of Messer further in view of Dane teaches or even suggests use of a self-aware device to generate a hyperlink in the manner set forth in amended independent claims 54, 65, and 74. Accordingly, Applicants submit that Bezos in view of Messer further in view of Dane does not bear upon the patentability of claims 54-74.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. (M.P.E.P. § 2142).

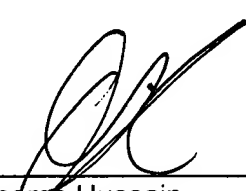
Here, the Examiner has not established a *prima facie* case under 35 U.S.C. § 103(a) because, as shown above, all of the elements of the pending claims are not found in the cited references. None of the above references, neither individually nor in combination, disclose or even suggest authenticating a request for data content from a computer system by comparing a computer identification code with computer identification data, wherein the computer identification code uniquely identifies a predetermined computer system and is dynamically generated when a hyperlink is loaded onto the predetermined computer system, and wherein the computer identification data includes current information for identifying the computer system and is generated when the hyperlink subsequently is activated by the computer system, as recited in independent

claims 54, 65, and 74, as amended. At least one recited element of independent claims 54, 65, and 74 therefore is totally missing from the cited prior art. Accordingly, Applicant respectfully submits that independent claims 54, 65, and 74 are neither anticipated by, nor rendered obvious by, Bezos in view of Messer further in view of Dane and that claims 54-74 are in condition for allowance.

For at least the reasons set forth above, Applicant submits that claims 54-74 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (408) 341-2345 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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